

Remarks and Arguments:

This amendment is filed in response to an in-person interview that was conducted on July 14, 2005. A response to the outstanding Office Action was filed on May 23, 2005 before the three month shortened statutory period for response. A subsequent Office Action has not yet been mailed. Therefore, no extension of time or other fees are believed to be due, except as detailed in the attached documents. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account Number 502846 (Customer Number 36163).

The applicant would like to thank Supervisory Patent Examiner Lesley Morris for the courtesies extended to the Applicant's representative during a personal interview. The Applicant would also like to thank the Examiner for the early indication of allowable subject matter made during the interview.

During the interview, the Examiner indicated that independent claims 23 and 26 are allowable over the prior art, and that claim 1 would be allowable if the structure of the upper member was more clearly defined. Reconsideration of this application is respectfully requested in view of the amendments presented above and the following remarks.

Regarding claim 1, the outstanding Office Action has taken the position that mounting brackets 42a and 42b of Jurrens (EP 1 378 432) correspond to the "upper member" of claim 1. While the Applicant respectfully traverses this position, claim 1 has been amended to advance prosecution. Amended claim 1 now recites an upper member "extending upwards from the lower member and over a rear wheel of the motorcycle."

The prior art lacks this feature. Specifically, the mounting brackets 42a and 42b of Jurrens appear to be small flanges that receive one end of a shock absorber assembly 26a and 26b. The mounting brackets 42a and 42b clearly do not extend over the rear wheel of

the motorcycle. Because the mounting brackets of Jurrens fails to meet the amended limitation, Jurrens does not anticipate amended claim 1. It also would not have been obvious to modify the mounting brackets 42a and 42b of Jurrens to meet the new limitations of claim 1. The prior art also fails to suggest or provide an adequate motivation for stretching the mounting brackets of Jurrens over the rear wheel of a motorcycle.

In addition to the amended limitation, Jurrens also fails to teach or render obvious an "upper member being connected to an air spring assembly by a pivoting connection." Because the prior art fails to expressly teach or render obvious the rear suspension system recited in claim 1, claim 1 is patentable over the prior art.

Applicant requests that the Examiner approve the corrections submitted in the attached Replacement Sheet. The changes submitted with this response correct the informalities noted by the Examiner during the interview. Minor clerical amendments to the specification have also been made to conform the specification with amended Figure 3. No new matter is introduced by amended Figure 3. Pivot pin 114 is clearly shown in Figure 1, and is shown again in amended Figure 3 as requested by the Examiner during the interview.


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Reply to Interview Summary of July 14, 2005

In view of the foregoing, all of the pending claims in this application are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for allowance, the Examiner is encouraged to contact the Applicant's representative at the number listed below.

Respectfully submitted,

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